

Remarks/Arguments

Claims 17-39 were examined in the last office action, mailed July 13, 2005, and further commented on in the advisory action mailed January 27, 2006. Claims 17-39 stand finally rejected.

New claims 40-43 have been added. Claim 21 has been amended for a minor clerical error. No claims have been cancelled. Accordingly, claims 17-43 are presented for consideration, with claims 17 and 21 being independent.

A petition for revival and a request for continued examination are being filed concurrently with this reply.

Claims 17-22, 27-33 and 35-39 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,923,362 (Klosterman) in view of U.S. Patent No. 6,002,394 (Schein) and U.S. Patent No. 6,253,188 (Witek). Applicants traverse the rejection for at least the reasons discussed below.

Regarding independent claim 17, the Office Action admits that "[t]he combination of Klosterman and Schein does not teach converting a program category to an equivalent program category via a master set of program categories." (Office Action, page 4). The Office Action is referring to the claim 17 recitation of:

a) converting said first code to a second code in accordance with equivalence mapping information for allocating a category in a master set of program categories to said received program category.

The Examiner asserts, however, that Witek discloses this recitation. In particular, the Advisory Action twice states that in Witek there is a conversion to a master category or set of categories:

Thus it is via lookup tables that conversion is preformed [sic--performed] to convert one set of categories (regional classifieds) to a master set of categories.

(Advisory Action, page 2, second paragraph, lines 7-8, emphasis added), and

Witek clearly discloses lookup tables to convert from a local category description to a master category description.

(Advisory Action, page 2, second paragraph, lines 13-14, emphasis added).
Notably, however, the Examiner never identifies the master set of categories or the master category description. That is, the Examiner never explains what the recited "master set of categories" (claim 17) reads on in Witek. Thus, the Examiner has not provided a proper *prima facie* case.

Additionally, Witek has no disclosure or suggestion of a master set of categories. Rather, the Examiner is extending Witek's disclosure to include a master set of categories--that is, to include part of Applicants' invention.

Witek describes a system that puts the classified ads from one or more newspapers online, and that allows a user to electronically search the classified ads. However, in Witek's system each newspaper's online classified ads are independently stored and independently searched. Witek does not envision, and certainly does not describe, that classified ads from multiple newspapers could be searched in a single search. As a result, there is no need for Witek to convert (and Witek does not describe the conversion of) any categories into a master set of categories, because no user will be searching more than one newspaper's classified ads and, therefore, no user will need a master set of categories.

That Witek describes only the searching of a single newspaper's classified ads by any given user is demonstrated by, for example, the following portions of Witek's disclosure:

(1) Witek's description of the "User Search Process" which states that "[i]n accordance with the invention, when a user elects to search for classified ads, ... a communication session with the sponsoring newspaper" is established (col. 20, line 64 - col. 21, line 1, emphasis added), which indicates that only one newspaper's classified ads are viewed by the user;

(2) Witek's continuing description of the "User Search Process" in which Witek states that a user points "his Web browser to the newspaper Web site he wishes to view classified ads at" (col. 22, lines 18-19, emphasis added), which makes it clear that a given user only views one newspaper's classified ads;

(3) Witek's discussion in the Summary section that in the operation of a "preferred form" (col. 5, lines 64) users "view[] the classified ads of a particular regional newspaper" (col. 6, lines 14-15, emphasis added), which further indicates that only one newspaper's classified ads are viewed by a user;

(4) Witek's primary example in which "a plurality of users access[] the classified ads of a single newspaper" (col. 11, lines 49-50, emphasis added), which yet further indicates that only one newspaper's classified ads are viewed by a given user; and

(5) the fact that there is a separate database server for each newspaper to store the classifieds from that newspaper (see, col. 12, lines 6-7; and col. 6, lines 4-9), which further indicates that only one newspaper's classified ads are viewed by a given user.

Even when Witek discusses multiple newspapers, Witek does so in the context of a separate "commercial offering to the respective sponsoring newspapers" (col. 22, lines 57-58). This separate "commercial offering" enables each newspaper "to derive revenue and goodwill from the classified ad service, without the need for individually assuming the burden and cost of setting up and maintaining an application Web server" (col. 22, lines 57-61). From this discussion of column 22, and the context provided by the rest of Witek, it is clear that Witek only envisions that a single newspaper's classified ads will be searched by any given user.

The Examiner relies on the following text from Witek for support for the allegation that Witek describes a master set of categories (see, Advisory Action, page 2, second paragraph):

Since as noted above and as illustrated in FIG. 3, the category identification and subcategory identifications 48, 50, respectively, are numerically coded, it is possible, in accordance with the invention, to adjust the descriptions of the categories and subcategories presented to suit the tastes both of the newspaper and/or users of the system. Additionally, where multiple newspapers are provided in the system, use of numeral coding permits different category and subcategory descriptions to be employed for each of the respective newspaper databases without requiring significant change the database structure. ... In such case, all that is needed are suitable lookup tables to relate the various descriptions presented in the search menus with the numerical coding used by the respective databases.

(quote from Witek, col. 18, lines 33-43 and 46-49). However, the above quote merely states that (1) each newspaper can use its own categories to categorize its own classified ads, (2) each newspaper can provide its own category descriptions to Witek's system, and (3) Witek's system will use each newspaper's category

descriptions when Witek's system displays classified ads from that newspaper. Rather than converting a newspaper's categories into a master set of categories, Witek actually avoids any conversion and uses the categories supplied by each newspaper.

Witek does use numerical codes to represent categories and subcategories, and associates each category/subcategory with both a category/subcategory description and a numerical range of records (as explained for example in columns 12-13). Witek uses the codes and the range of associated records in order to "speed and simplify the ad record search process" (col. 6, lines 53-54). The above block quote from column 18 merely acknowledges that each newspaper can provide any desired names (descriptions) for the categories/subcategories represented by the numerical codes, and that a useful means for providing those category/subcategory names is a look-up table. Witek does not, however, disclose or even suggest, "converting [a] first code to a second code" (claim 17), much less doing so "in accordance with equivalence mapping information for allocating a category in a master set of program categories to said received program category" (claim 17).

Regarding independent claim 21, the applied portions of Witek do not disclose or suggest, at least, (1) "forming a composite program map by mapping program guide information from a plurality of sources into a master set of themes and topics based on pre-determined theme and topic codes, a topic being a category within a theme" (claim 21, emphasis added), or (2) "merging the program guide information from the plurality of sources into a composite program guide defined by the themes and topics of the master set, using the composite program map" (claim 21, emphasis added). Rather, and as explained above in the discussion of claim 17, Witek does not describe, much less use, a "master set" as recited in claim 21.

Regarding both independent claims 17 and 21, Applicants again assert that Witek is not analogous art and, therefore, cannot be combined with Klosterman or Schein. In an attempt to demonstrate similarity between the three references, the Advisory Action states that the three references "are all concerned with the same problem, namely the retrieval and presentation of records to a user" (Advisory Action, page 2, sixth paragraph, line 7). The Advisory Action then concludes that

the three references are analogous because "[a]ll three references utilize database systems" (Advisory Action, page 2, sixth paragraph, lines 7-8). Applicants incorporate by reference the arguments of the earlier replies. Further, Applicants note again that database systems are used in fields that are widely disparate and clearly not analogous. As an example, the fields of satellite navigation systems and financial management software both are concerned with presentation of records to users and both may use database systems. However, the fact that both of these fields may use database systems does not, by itself, make the fields of satellite navigation systems and financial management software analogous. Certainly a person of ordinary skill in the art of financial management software would not look to (nor likely understand) the art of satellite navigation systems. By the same reasoning, a person of ordinary skill in the art of "merging multi-source information in a television system" (Klosterman, Title) would not look to an "automated interactive classified ad system for the Internet" (Witek, Title). The Examiner must provide a closer link between the two fields beyond the use of some ubiquitous technology such as databases. Indeed, extending the Examiner's reasoning only slightly, any fields that used computers (virtually all fields) would be analogous fields. Accordingly, Witek is non-analogous art and a *prima facie* case of unpatentability has not been made by the Examiner.

Claims 23-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Klosterman in view of Schein and Witek in further view of U.S. Patent No. 6,147,714 ("Terasawa"). Claim 34 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Klosterman in view of Schein and Witek in further view of U.S. Patent No. 5,883,677 ("Hoffman"). Applicants traverse these rejections.

Neither Terasawa nor Hoffman is not cited by the Examiner to cure, and the applied portions of Terasawa and Hoffman do not cure, the above identified deficiencies of Witek with respect to independent claim 21. Further, claim 23-26 and 34 depend from claim 21. Accordingly, Applicants submit that claims 23-26 and 34 and patentable over the applied references, and requests reconsideration and withdrawal of these rejections.

New dependent claims 40-43 have been added. Support for claims 40-41 can be found, for example, in the specification as originally filed at page 9, lines 5-

30 and Figure 6. Support for claims 42-43 can be found, for example, in the specification as originally filed at page 6, lines 4-8 and lines 21-24.

The Examiner has previously taken official notice of various features. In the previous office action, the Examiner asserts that Applicants have failed to traverse the official notices, and that this alleged failure is now taken as an admission of prior art. Applicants respectfully submit that nothing has been admitted as prior art. Applicants have endeavored to be as brief and concise as possible in replying to the office actions. Applicants have indicated this approach in various places, such as, for example, by reciting "For at least the foregoing reasons, claim 17 is allowable over the prior art of record" (see, e.g., reply dated October 19, 2005, page 11, fourth line from the bottom, emphasis added). Thus, it should be clear that Applicants have not necessarily presented every argument that is available for every claim, and that Applicants have reserved the right to present additional arguments in the future.

CONCLUSION

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact Applicants' attorney at 609-734-6817, so that a mutually convenient date and time for a telephonic interview may be scheduled.

A fee of \$200 is believed to be due for this amendment, for the addition of 4 new dependent claims. The office is hereby authorized to charge this fee, as well as the \$790. fee for the filing of the RCE, and the \$1500 fee for the filing of the Petition for Revival, and any other fees that may be associated with the filing of these documents to Deposit Account No.: 07-0832.

Respectfully submitted,

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August 11, 2006

CERTIFICATE OF MAILING 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence (and any document referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below:

August 11, 2006
Date


Patricia M. Fedorowycz